

EXHIBIT “1”

*Jimmie Chism v. Rufus Thompson, Dustin Whitson, and The Robertson Company, LLC d/b/a
Robertson Trucking*

Civil Action No.: _____

ELECTRONICALLY FILED
2018 Nov 14 11:52 AM
CLERK OF COURT

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

JIMMIE CHISM,

Plaintiff,

vs.

Docket No: CT-005172-18

Division: VIII

RUFUS THOMPSON, DUSTIN WHITSON
and THE ROBERTSON COMPANY, LLC,
d/b/a ROBERTSON TRUCKING

Defendants.

COMPLAINT

Comes now the Plaintiff, Jimmie Chism, by and through counsel of record, and would show unto the Court as follows.

PARTIES

1. That your Plaintiff is a resident citizen of Peoria, Peoria County, Illinois;
2. That your Defendant, Rufus Thompson, is assumed to be a resident citizen of Reform, Pickens County, Alabama;
3. That your Defendant, Dustin Whitson, is assumed to be a resident citizen of Winfield, Marion County, Alabama.
4. That your Defendant, The Robertson Company, LLC d/b/a Robertson Trucking, on information and belief, and at all times relevant hereto was, a foreign LLC organized under the laws of the State of Alabama with its principal physical business address being 57 Hatley Detroit Road, Detroit, Lamar County, Alabama;

JURISDICTION AND VENUE

5. Jurisdiction of this Court is based upon Tenn. Code Ann. §16-10-101. This cause of action arose in Shelby County, Tennessee and, therefore, pursuant to Tenn. Code Ann. §20-4-101, proper venue is in Shelby County, Tennessee.

FACTS

6. That on or about December 1, 2017, Plaintiff, Jimmie Chsim, while operating a 2012 Hyundai Santa Fe automobile, bearing a 2018 Illinois state license number ZU16755, owned and registered in the name of same, was lawfully traveling eastbound on W. Mallory, at I-55, in Memphis, Shelby County, Tennessee. That the Defendant, Rufus Thompson, while driving and operating a 2017 International Freightliner automobile, bearing a 2017 Alabama state license number 32TR1812, assumed to be owned and registered in the name of Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking, operated with permission and/or while on or about the business of and while in the course and scope of his employment with the Defendant, Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking, was also traveling in an eastbound direction on W. Mallory at I-55, when he negligently and carelessly failed to yield to the Plaintiff's vehicle, while attempting to make a u-turn, by crossing all lanes of traffic, encroaching into your Plaintiff's lane, and striking the Plaintiff's vehicle.

7. All of these negligent acts of the Defendants were the proximate cause of serious injuries and damages to the Plaintiff, Jimmie Chism.

AGENCY

8. Plaintiff relies upon common law and statutory principles of agency as they relate to Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking, including, but not limited to, Section 55-10-311 of the Tennessee Code, which indicates that proof of Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking's ownership of the 2017 International Freightliner is "prima facie evidence that the vehicle at the time of the cause of action sued on was being operated and used with authority, consent and knowledge of the owner in the very transaction out of which the injury or cause of action arose." Each instance of negligence and reckless conduct by the Defendants constitute a proximate and legal cause of the subject accident and of the resulting injuries and damages to the Plaintiff.

9. Negligence of Defendant driver Rufus Thompson is imputed to the remaining Defendants, Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking, under one or more of the following legal theories:

- (a) Defendant driver, Rufus Thompson, at all times relevant hereto was an agent, servant or employee of Defendants, Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking; and/or
- (b) Defendants engaged in a joint venture or adventure; and/or
- (c) Defendant driver, Rufus Thompson, was on or about the business of the remaining Defendants, Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking; and/or
- (d) Defendant driver, Rufus Thompson, was a permissive user of the vehicle owned by the remaining Defendants, Dustin Whitson and/or The Robertson Company, LLC d/b/a Robertson Trucking;

ACTS OF NEGLIGENCE

10. Plaintiff charges and alleges that the Defendants were guilty of the following acts of common law negligence, each and every one of which were a direct and proximate cause of the Plaintiff's resulting damages to wit;

- a. In failing to devote full time and attention to the operation of their vehicle;
- b. In failing to maintain a proper lookout;
- c. In driving their vehicle too fast under the conditions prevailing;
- d. In failing to use that degree of care and caution as was required under the existing circumstances and conditions for the safety of themselves and others properly upon the aforementioned street;
- e. In failing to control the movement, momentum for direction of travel of their vehicle, or to turn or guide the same, as it was their duty to do so, as to avoid causing a collision to occur, then and thereby injuring Plaintiffs.

The acts of negligence as hereinabove set out on the part of the Defendants were the direct and proximate cause of the collision giving rise to this cause and the injuries and damages sustained by the Plaintiff, Jimmie Chism.

11. Plaintiff further charges and alleges that at the time of the accident in question, the following Ordinances of the City of Memphis were in full force and effect and were violated by the Defendants;

Sec. 11-16-2

Duty to devote full time and attention to operating vehicle.

It is unlawful for a driver of a vehicle to fail to devote full time and attention to operating such vehicle when such failure, under the then existing circumstances, endangers life, limb or property.

Sec. 11-16-3

Duty to drive at safe speed, maintain lookout and keep vehicle under control.

Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver shall:

- A. Operate his or her vehicle at a safe speed;
- B. Maintain a safe lookout;
- C. Use due care to keep his or her vehicle under control.

Sec. 11-16-44

Reckless driving.

Any person who drives any vehicle in a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Violations of each of the above Ordinances of the City of Memphis, Tennessee by the Defendants constitute negligence, per se. The violation of the above Ordinances of the City of Memphis, Tennessee, as hereinabove set out on the part of the Defendants was the direct and proximate cause of the collision giving rise to this cause and the injuries and damages sustained by the Plaintiff, Jimmie Chism.

12. Plaintiff further charges and alleges that at the time of the accident in question, the following Statutes of the State of Tennessee were in full and effect and was violated by the Defendants;

55-10-205.

Reckless driving.

"Any person who drives any vehicle in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving."

55-8-136.

Drivers to exercise due care.

(a) Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(b) Notwithstanding any speed limit or zone in effect at the time, or right of way rules that may be applicable, every driver of a motor vehicle shall exercise due care to avoid colliding with any other motor vehicle, either being driven or legally parked, upon any

roadway, or any road sign, guard rail or any fixed object legally placed within or beside the roadway right of way, by operating the motor vehicle at a safe speed, by maintaining a safe lookout, by keeping the motor vehicle under proper control and by devoting full time and attention to operating the motor vehicle, under the existing circumstances to avoid endangering life, limb or property.

55-8-123.

Driving on roadways laned for traffic

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that the movement can be made with safety;
- (2) Upon a roadway that is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of this allocation;

55-8-152.

Speed limits — Penalties

Violations of each of the above Statutes of the State of Tennessee by the Defendants constitute negligence, per se. The violation of the above Statutes of the State of Tennessee as hereinabove set out on the part of the Defendants was the direct and proximate cause of the collision giving rise to this cause and the injuries and damages sustained by the Plaintiff, Jimmie Chism.

INJURIES AND DAMAGES

13. Your Plaintiff charges and alleges that as a direct and proximate result of the negligence on the part of the Defendants, the Plaintiff, Jimmie Chism, suffered damages including, but not limited to, severe personal injuries, great physical pain and suffering, mental anguish, impaired ability to enjoy the normal pleasures of life, large medical expenses and lost wages.

That further, the Plaintiff, Jimmie Chism, charges and alleges that as a direct and proximate result of the negligence of the Defendants, he sustained property damage to his vehicle.

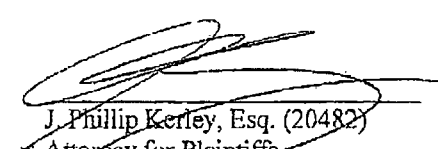
WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS RESPECTFULLY

PRAY:

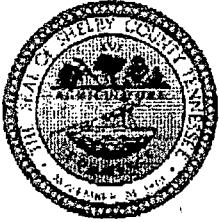
1. That proper process issue against the Defendants requiring them to plead and answer.
2. That Plaintiff, Jimmie Chism, be awarded compensatory damages in the amount of SEVEN HUNDRED FIFTY THOUSAND and 00/100 (\$750,000.00) DOLLARS.
3. That the Plaintiff be granted whatever relief, general or specific, this Court deems equitable and just.

Respectfully Submitted,

Gatti, Keltner, Bienvenu & Montesi



J. Phillip Kerley, Esq. (20482)
Attorney for Plaintiffs
219 Adams Avenue
Memphis, Tennessee 38103
(901) 526-2126



The Shelby County, Tennessee Circuit Court

Case Style: JIMMIE CHISM VS RUFUS THOMPSON

Case Number: CT-005172-18

Type: SUMMONS ISSD TO MISC

A handwritten signature in black ink, appearing to read "Sharon Smith", is written over a circular official stamp.

Sharon Smith, DC

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FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHISSUMMONS IN CIVIL ACTION☒ Lawsuit☐ Divorce

Docket No. _____

Ad Damnum \$ _____

JIMMIE CHISM

VS

**RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC d/b/a ROBERTSON
TRUCKING**

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Dustin Whitson
1900 County Road
Winfield, AL 35594**SERVE THROUGH PROGRESSIVE PRIVATE PROCESS**

- ☐ Certified Mail
☐ Shelby County Sheriff
☐ Commission of Insurance (\$)
☐ Other TN County Sheriff (\$)
☒ Private Process Server
☐ Other

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on Bradford J. Spicer, Plaintiff's attorney, whose address is 219 Adams Avenue, Memphis, TN 38103, telephone (901) 526-2126 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

Clerk

TESTED AND ISSUED _____

By _____ D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

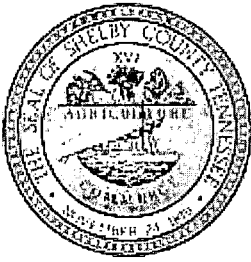
FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 379-7895

I, _____, Clerk of the Court, Shelby County,
Tennessee, certify this to be a true and accurate copy as filed this

_____, Clerk

By: _____, D.C.

Telephone Number



The Shelby County, Tennessee Circuit Court

Case Style: JIMMIE CHISM VS RUFUS THOMPSON

Case Number: CT-005172-18

Type: SUMMONS ISSD TO MISC

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Sharon Smith, DC

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FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHISSUMMONS IN CIVIL ACTION☒ Lawsuit☐ Divorce

Docket No. _____

Ad Damnum \$ _____

JIMMIE CHISM

VS

**RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC d/b/a ROBERTSON
TRUCKING**

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Rufus Thompson
23 Friendship Church Road
Reform, AL**SERVE THROUGH PROGRESSIVE PRIVATE PROCESS**

- ☐ Certified Mail
☐ Shelby County Sheriff
☐ Commission of Insurance (\$)
☐ Other TN County Sheriff (\$)
☒ Private Process Server
☐ Other

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_____, Clerk

By: _____, D.C.

RETURN OF NON-SERVICE OF PROCESS

I HEREBY CERTIFY THAT I **HAVE NOT** SERVED THE WITHIN SUMMONS:

To the named Witness _____

Because _____ is (are) not to be found in this County after diligent search and inquiry for the following reason(s): _____

This _____ day of _____, 20____

Signature of person accepting service

By: _____
Sheriff of other authorized person to serve process

Docket No: _____

IN THE CIRCUIT COURT OF SHELBY COUNTY
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

SUMMONS IN A CIVIL ACTION

JIMMIE CHISM

Plaintiff,

Vs.

RUFUS THOMPSON, DUSTIN WHITSON and
THE ROBERTSON COMPANY, LLC d/b/a
ROBERTSON TRUCKING

Defendants,

Bradford J. Spicer
Attorney for Plaintiff/Pro Se
901-526-2126
Telephone Number



The Shelby County, Tennessee Circuit Court

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JIMMIE CHISM

VS

**RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC d/b/a ROBERTSON
TRUCKING**

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

The Robertson Company, LLC d/b/a ROBERTSON TRUCKING
**SERVE ANY AGENT OR OFFICER AUTHORIZED TO ACCEPT
SERVICE**
57 Hatley Detroit Road
Detroit, AL 35552**SERVE THROUGH PROGRESSIVE PRIVATE PROCESS**

- ☐
- Certified Mail
-
- ☐
- Shelby County Sheriff
-
- ☐
- Commission of Insurance (\$)
-
- ☐
- Other TN County Sheriff (\$)
-
- ☒
- Private Process Server
-
- ☐
- Other

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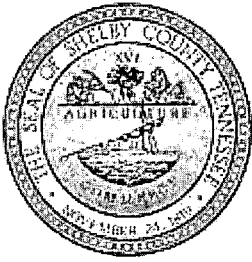
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By: _____, D.C.

Telephone Number



The Shelby County, Tennessee Circuit Court

Case Style: JIMMIE CHISM VS RUFUS THOMPSON

Case Number: CT-005172-18

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☐ Divorce

Docket No. _____

Ad Damnum \$ _____

JIMMIE CHISM

VS

**RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC d/b/a ROBERTSON
TRUCKING**

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Unique Insurance Company
7400 N. Caldwell
Niles, IL 60714(PURSUANT TO INSURANCE CLAIM NUMBER 17ILP0014324 UNINSURED/UNDERINSURED
MOTORIST PROVISION T.C.A. 56-7-1201---56-7-1206)☐ Certified Mail
☐ Shelby County Sheriff
☐ Commission of Insurance (\$)
☐ Other TN County Sheriff (\$)
☒ Private Process Server
☐ Other

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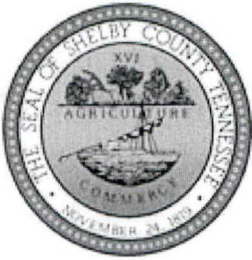
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By: _____, D.C.

Telephone Number



The Shelby County, Tennessee Circuit Court

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FILED
DEC 27 2018
CIRCUIT COURT CLERK
BY _____ D.C.

IN THE CIRCUIT COURT OF SHELBY COUNTY TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

SUMMONS IN CIVIL ACTION

☒ Lawsuit
☐ Divorce

Docket No. CT-005172-18 Div. 8

Ad Damnum \$ _____

JIMMIE CHISM

VS

**RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC d/b/a ROBERTSON
TRUCKING**

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Unique Insurance Company
7400 N. Caldwell
Niles, IL 60714

(PURSUANT TO INSURANCE CLAIM NUMBER 17ILP0014324 UNINSURED/UNDERINSURED
MOTORIST PROVISION T.C.A. 56-7-1201--56-7-1206)

☐ Certified Mail
☐ Shelby County Sheriff
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I, _____, Clerk of the Court, Shelby County,
Tennessee, certify this to be a true and accurate copy as filed this

_____, Clerk

By: _____, D.C.

RETURN OF SERVICE OF PROCESS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the _____ day of _____, 20____ at _____ M. a copy of the summons to the following
Witness _____
at _____

Signature of person accepting service By: _____
Sheriff of other authorized person to serve process

RETURN OF NON-SERVICE OF PROCESS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Witness _____
Because _____ is (are) not to be found in this County after diligent search and
inquiry for the following reason(s): _____
This _____ day of _____, 20____

Signature of person accepting service By: _____
Sheriff of other authorized person to serve process

Docket No: _____

IN THE CIRCUIT COURT OF SHELBY COUNTY
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

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JIMMIE CHISM

Plaintiff,

Vs.

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Defendants,

Bradford J. Spicer

Attorney for Plaintiff/Pro Se

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Sharon Smith, DC

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STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov

November 26, 2018

Unique Insurance Company
300 Montvue Rd. C/O C T Corp
Knoxville, TN 37919-5546
NAIC # 10655

Certified Mail
Return Receipt Requested
7017 1450 0002 1333 5316
Cashier # 41898

Re: Jimmie Chism V. Unique Insurance Company

Docket # Ct-005172-18

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served November 21, 2018, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Circuit Court Clerk
Shelby County
140 Adams Street, Rm 324
Memphis, Tn 38103



RECEIVED

IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

JIMMIE CHISM,

Plaintiff,

vs.

RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC, d/b/a ROBERTSON
TRUCKING,

Defendants.

No. CT-005172-18

Div. VIII

JURY DEMAND

NOTICE OF APPEARANCE

Attorney William Ritchie Pigue with the law firm of Taylor, Pigue, Marchetti & Blair, PLLC, enters this appearance as counsel of record for Unique Insurance Company, unnamed Defendant served in this cause.

Respectfully submitted,

TAYLOR, PIGUE, MARCHETTI & BLAIR,
PLLC

BY: Wm. Ritchie Pigue
Wm. Ritchie Pigue, BPR #2898
Attorney for Unnamed Defendant
2908 Poston Avenue
Nashville, TN 37203
(615) 320-3225
rpigue@tpmblaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been mailed via U.S. Mail to the following this 19 day of December, 2018:

Mr. J. Phillip Kerley, Esq., BPR #20482
Gatti, Keltner, Bienvenu & Montesi

Attorney for Plaintiff
219 Adams Avenue
Memphis, TN 38103
P: (901) 526-2126

Mr. Rufus Thompson
Defendant
23 Friendship Church Road
Reform, AL 35481

Mr. Dustin Whitson
Defendant
1900 County Road
Winfield, AL 35594

The Robertson Company, LLC d/b/a
Robertson Trucking
Defendant
1900 County Road
Winfield, AL 35594



Wm. Ritchie Pigue

1. Defendant upon information and belief admits the allegations in Paragraph 1.
2. Defendant has no specific knowledge or information regarding the allegations of Paragraph 2, therefore demands strict proof thereof.
3. Defendant has no specific knowledge or information regarding the allegations of Paragraph 3, therefore demands strict proof thereof.
4. Defendant has no specific knowledge or information regarding the allegations of Paragraph 4, therefore, demands strict proof thereof.
5. Defendant has no specific knowledge or information regarding the allegations of Paragraph 5, therefore demands strict proof thereof.

6. Defendant admits that it has been notified about a December 1, 2017 accident, which occurred in Memphis, Shelby County, Tennessee; however, Defendant has no specific knowledge or information regarding the remaining allegations of Paragraph 6, therefore demands strict proof thereof.
7. Defendant has no specific knowledge or information regarding the allegations of Paragraph 7, therefore demands strict proof thereof.
8. Defendant has no specific knowledge or information regarding the allegations of Paragraph 8, therefore demands strict proof thereof.
9. Defendant has no specific knowledge or information regarding the allegations of Paragraph 9, therefore demands strict proof thereof.
10. Defendant has no specific knowledge or information regarding the allegations of Paragraph 10, therefore demands strict proof thereof.
11. Defendant has no specific knowledge or information regarding the allegations of Paragraph 11, therefore demands strict proof thereof.
12. Defendant has no specific knowledge or information regarding the allegations of Paragraph 12, therefore demands strict proof thereof.
13. Defendant has no specific knowledge or information regarding the allegations of Paragraph 13, therefore demands strict proof thereof.

Each and every allegation not herein specifically admitted or denied is hereby denied as fully as though specifically denied.

Defendant reserves the right to amend and supplement this answer after discovery is completed in this case.

Defendant, Unique Insurance Company, for separate, independent and affirmative defenses to the action filed against it says:

Plaintiff's coverage with Unique Insurance Company is limited to \$25,000.00 per person and under no circumstances can Plaintiff obtain judgment against this Defendant exceeding that amount based upon the policy of insurance which exists. Therefore, because Defendants are insured to the extent of Defendant's coverage, Unique Insurance Company should be dismissed from this case. Defendant further avers that on or about December 1, 2017, Plaintiff Jimmie Chism committed acts of negligence which caused or contributed to the accident which occurred that day and his percentage of contribution should bar or reduce this right to recover in this cause. Defendant further avers that Plaintiff Jimmie Chism advised the police officer at the accident investigation that he was not injured, therefore having suffered no personal injuries as stated by Plaintiff, all claims for personal injuries, medical expenses, et cetera asserted by Plaintiff in this case should be dismissed. Defendant further avers that Defendants have sufficient insurance coverage equal or greater than that of this Defendant applicable to the December 1, 2017 accident, therefore Unique Insurance Company as underinsured or uninsured motorist carrier served in this cause, should be dismissed.

Defendant Unique Insurance Company having fully answered the complaint filed against it denies that Plaintiff is entitled to any monetary damages from this Defendant, denies that Plaintiff is entitled to \$750,000.00 as alleged in the complaint, requests a jury of twelve to try this cause and requests that Plaintiff's claims against this Defendant be dismissed at Plaintiff's cost.

Defendant Unique Insurance Company now assumes the role of Cross-Plaintiff and as Cross-Plaintiff, asserts the following:

1. Cross-Plaintiff has been served and sued in this litigation as Plaintiff Jimmie Chism's under or uninsured motorist carrier.
2. Cross-Plaintiff has been sued and it is claimed by Plaintiff Jimmie Chism that he should be allowed to recover from Defendant/Cross-Plaintiff Unique Insurance Company in this case as a result of the negligence of the named Defendants resulting from the December 1, 2017 accident.
3. Cross-Plaintiff alleges that Cross-Defendants Rufus Thompson, Dustin Whitson and The Robertson Company, LLC, d/b/a Robertson Trucking through their negligent acts, negligence per se and omissions on December 1, 2017 caused the December 1, 2017 accident. Therefore, if Cross-Plaintiff is required to pay the original Plaintiff Jimmie Chism and its insured any amount of money under the Unique Insurance Company policy, then Cross-Plaintiff Unique Insurance Company is entitled to a judgment for said amount paid to the original Plaintiff Jimmie Chism resulting from Defendants' negligence or negligence per se on December 1, 2017 as alleged in the original complaint.

Cross-Plaintiff requests that it be granted judgment against Cross-Defendants Rufus Thompson, Dustin Whitson and The Robertson Company, LLC, d/b/a Robertson Trucking if it is required to make any payments to the original Plaintiff Jimmie Chism, its insured.

Cross-Plaintiff requests that it be granted judgment against Cross-Defendants and requests a jury of twelve to try this cause.

Respectfully submitted,

TAYLOR, PIGUE, MARCHETTI & BLAIR,
PLLC

BY: Wm. Ritchie Pigue
Wm. Ritchie Pigue, BPR #2898
Attorney for Unnamed Defendant
2908 Poston Avenue
Nashville, TN 37203
(615) 320-3225
rpigue@tpmblaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been mailed via U.S. Mail to the following this 19 day of December, 2018:

Mr. J. Phillip Kerley, Esq., BPR #20482
Gatti, Keltner, Bienvenu & Montesi
Attorney for Plaintiff
219 Adams Avenue
Memphis, TN 38103
P: (901) 526-2126

Mr. Rufus Thompson
Defendant
23 Friendship Church Road
Reform, AL 35481

Mr. Dustin Whiston
Defendant
1900 County Road
Winfield, AL 35594

The Robertson Company, LLC d/b/a
Robertson Trucking
Defendant
1900 County Road
Winfield, AL 35594

Wm. Ritchie Pigue
Wm. Ritchie Pigue

ELECTRONICALLY FILED
2018 Nov 14 11:52 AM
CLERK OF COURTFILED
JAN 04 2019
CIRCUIT COURT CLERK
BY _____ D.C.IN THE CIRCUIT COURT OF SHELBY COUNTY TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

SUMMONS IN CIVIL ACTION

☒ Lawsuit
☐ Divorce

Docket No. CT-005172-18 Div. 8

Ad Damnum \$ _____

JIMMIE CHISM

RUFUS THOMPSON, DUSTIN
WHITSON and THE ROBERTSON
COMPANY, LLC d/b/a ROBERTSON
TRUCKING.

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Dustin Whitson
1900 County Road
Winfield, AL 35594SERVE THROUGH PROGRESSIVE PRIVATE PROCESS☐ Certified Mail
☐ Shelby County Sheriff
☐ Commission of Insurance (\$)
☐ Other TN County Sheriff (\$)
☒ Private Process Server
☐ Other

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on Bradford J. Spicer, Plaintiff's attorney, whose address is 219 Adams Avenue, Memphis, TN 38103, telephone (901) 526-2126 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

Clerk

TESTED AND ISSUED _____ By _____ D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice: Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 379-7895I, _____, Clerk of the Court, Shelby County,
Tennessee, certify this to be a true and accurate copy as filed this

_____, Clerk

By: _____, D.C.

RETURN OF SERVICE OF PROCESS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the 22 day of Dec., 2018 at 3:03P M. a copy of the summons to the following
Witness Dustin Whitson
at 1900 County Rd. 13 Winfield AL 35594

Signature of person accepting service

By: see attached

Sheriff of other authorized person to serve process

RETURN OF NON-SERVICE OF PROCESS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Witness _____
Because _____ is (are) not to be found in this County after diligent search and
inquiry for the following reason(s): _____
This _____ day of _____, 20____

Signature of person accepting service

By: _____

Sheriff of other authorized person to serve process

Docket No: _____

IN THE CIRCUIT COURT OF SHELBY COUNTY
TENNESSEE FOR THE THIRTIETH JUDICIAL
DISTRICT AT MEMPHIS

SUMMONS IN A CIVIL ACTION

JIMMIE CHISM

Plaintiff,

Vs.

RUFUS THOMPSON, DUSTIN WHITSON and
THE ROBERTSON COMPANY, LLC d/b/a
ROBERTSON TRUCKING
Defendants,

Bradford J. Spicer

Attorney for Plaintiff/Pro Se
901-526-2126

Telephone Number



The Shelby County, Tennessee Circuit Court

Case Style: JIMMIE CHISM VS RUFUS THOMPSON
Case Number: CT-005172-18
Type: SUMMONS ISSD TO MISC

Sharon Smith, DC

Electronically signed on 11/14/2018 12:27:16 PM

AFFIDAVIT OF SERVICE OF PROCESS

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

I, Bonnie Bannister, first being duly sworn, make oath as follows:

Documents: Summons and Complaint
Docket Number: CT-005172-18
Plaintiff(s): Jimmie Chism
Defendant(s): Rufus Thompson, Dustin Whitson, et al.
Subject(s): Dustin Whitson

Date & Time of Svc(s):

12/22/18 3:03pm

Address of Service(s):

1900 County Road 73
Winfield, AL 35594

Manner of Service(s):

Personally served

The above indicated document(s) have/has been served in compliance with the laws of the State and the Rules of the courts.

Bonnie Bannister

Private Process Server
P.O. Box 343058
Bartlett, TN 38184
(901) 388-7113

Sworn and subscribed to before me this 26th day of December, 2018

Asheley Foxworth

Notary Public

My Commission Expires:

ASHELEY FOXWORTH
Notary Public, State of Alabama
Alabama State At Large
My Commission Expires
February 26, 2020

**IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

JIMMIE CHISM,

Plaintiff,

vs.

DOCKET NO.: CT-005172-18

DIV. VIII

**RUFUS THOMPSON, DUSTIN WHITSON,
and THE ROBERTSON COMPANY, LLC
d/b/a ROBERTSON TRUCKING,**

JURY DEMANDED

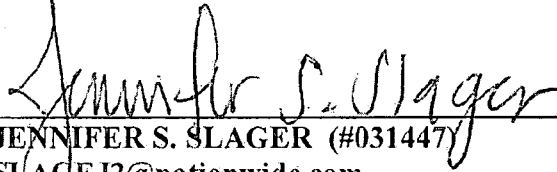
Defendants.

SPECIAL NOTICE OF ENTRY OF APPEARANCE

The Law Office of Craig J. Lazarov, by and through Jennifer S. Slager, hereby gives notice of its appearance as the attorney and counselor of record for the Defendants, Rufus Thompson, Dustin Whitson, and The Robertson Company, LLC d/b/a Robertson Trucking, and states that this Notice is not a general appearance of these Defendants, as all issues related to service of process, jurisdictional, procedural and/or substantive rights, defenses or contentions, including statutory limitation of actions, are specifically reserved.

The undersigned hereby requests that all notices given or required to be given, and all pleadings (other than initial service of Summons and/or Complaint) served or required to be served, in this case be given to and served upon the undersigned at the address indicated below.

Respectfully submitted,



JENNIFER S. SLAGER (#031447)

SLAGEJ2@nationwide.com

Direct Dial: 901-620-2969

LAW OFFICE OF CRAIG J. LAZAROV

Attorney for Defendants

5350 Poplar Avenue, Suite 306

Memphis, TN 38119

Phone: 901-620-2967

Fax: 877-441-7199

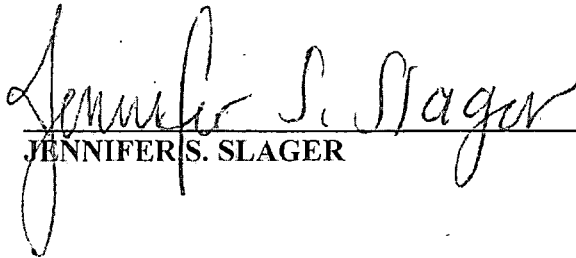
TC #19-000124

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and exact copy of the foregoing instrument has been served on the following interested parties, via U.S. Mail, postage pre-paid, on this the 4 day of January, 2019:

J. Phillip Kerley
Attorney for Plaintiff
219 Adams Avenue
Memphis, TN 38103

Wm. Ritchie Pigue
Attorney for Unique Insurance Company
2908 Poston Avenue
Nashville, TN 37203



JENNIFER S. SLAGER